84-1763

Case No. _____

Office - Supreme Court U S
FILED
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ALEXANDER L. STEVAS
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

CASC No. 84-1477
DC No. 83-0348

PAULINE WALBER, etc.

Appellant,

V.

THE UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
SAMUEL PIERCE, Secretary

Appellee.

APPENDIX FOR APPELLANT

By: Pauline Walber D/B/A
Walber Construction Co.
Appellant,
3530 West Outer Drive
Detroit, Michigan 48221
Phone: 313-864-6076 or
313-537-7800

Dated: April 10, 1985

HIPP

APPENDIX FOR APPELLANT

TABLE OF CONTENTS

Appendix A (1-2) (AF #9)

ORDER entered in the U. S. Court of Appeals for the Sixth Circuit.

Walber Construction Company, Plaintiff-Appellant, V. United States Department of Housing and Urban Development, Defendant-Appellee.

No. 84-1477

Entered: November 16, 1984

Appendix B (1-2) (AF #16)

ORDER entered in the U. S. Court of Appeals for the Sixth Circuit.

Walber Construction Company, Plaintiff-Appellant, V. United States Department of Housing and Urban Development, Defendant-Appellee.

No. 84-1477

Entered: December 21, 1984

Appendix C (DC #54)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, V. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendants.

Civil Action No. 83-CV-0348-DT

Entered: February 2, 1984

Appendix D (1-3) (DC #58)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, V. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendants

Civil Action No. 83-CV-0348-DT

Entered: March 5, 1984

Appendix E (1-2) (DC #65)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, V. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendants.

Civil Action No. 83-CV-0348-DT

Entered: April 6, 1984

Appendix F (1-2) (DC #73)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, V. United States Department of Housing and Urban Development et al., Defendants.

Civil Action No. 83-CV-0348-DT

Entered: April 27, 1984.

Appendix G (1-2) (DC #97)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, V. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendant.

No. 84-CV-0348-DT

Entered: November 15, 1984

Appendix H (1-2) (DC #103)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co. Plaintiff V. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendants.

No. 83-CV-0348-DT

Entered: February 1, 1985

Appendix I (1-2) (DC #66)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, vs. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendant.

Civil Action No. 83-CV-0348-DT

Entered: April 9, 1984

Appendix J (1-3) (DC #80)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, vs. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Defendants.

Civil Action No. 83-CV-0348-DT

Entered: June 20, 1984

Appendix K (1-2)

NOTICE OF APPEAL filed in the United States Court of Appeals for the Sixth Circuit

Walber Construction Co., Appellant vs. The United States Department of Housing and Urban Development Samuel Pierce, Secretary, Appellee.

Case No. 84-1477

District Court No. 83-0348

Dated: January 2, 1985

Appendix L (DC #48)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff v. The United States Department of Housing and Urban Development, et al Defendant

Case No. 83-0348

Entered: January 16, 1984

Appendix M (1-2) (DC #50)

ORDER entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction, Plaintiff, vs. U.S. Department of HUD et al., Defendant

Case No. 83-0348

Docketed: January 23, 1984

Appendix N (DC #53)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United States Department of Housing and Urban Development et al Defendant

Case No. 83-0348

Dated: February 3, 1984

Appendix O (DC #56)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United States Department of Housing and Urban Development et al Defendant

Case No. 83-0348

Dated: Febraury 21, 1984

Appendix P (DC #64)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United States Department of Housing and Urban Development et al Defendant

Case No. 83-0348

Dated March 28, 1984

Appendix Q (DC #69)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United States Department of Housing and Urban Development et al Defendant

Case No. 83-0348

Dated April 17, 1984

Appendix R (DC #71)

ORDER OF REFERENCE entered in the United States District Court Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United

Department of Housing and Urban Development
et al Defendant

Case No. 83-0348

Dated April 23, 1984

Appendix S (DC #94)

ORDER entered in the United States District Court
Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. The United States Department of Housing and Urban Development et al, Defendant

Civil Action No. 83-0348

Dated: October 30, 1984

Appendix T (DC #74)

ORDER entered in the United States District Court
Eastern District of Michigan Southern Division

Walber Construction Co., Plaintiff, v. U. S.
Department of Housing and Urban Development
et al Defendants.

Civil No. 83-0348

Dated: May 2, 1984

Appendix U (1-2) (DC #76)

REQUEST FOR RESPONSE entered in the United States District Court Eastern District of Michigan
Southern Division

Walber Construction Co., Plaintiff, V. The United States Department of Housing and Urban Development et al. Defendants.

Civil Action No. 83-0348

Dated: May 14, 1985

No. 84-1477

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WALBER CONSTRUCTION COMPANY, Plaintiff-Appellant, v. UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Defendant-Appellee.	)	O R D E R FILED NOV 16, 1984 John P. Hehman, Clerk

BEFORE: KENNEDY, KRUPANSKY AND WELLFORD, Circuit Judges

This appeal has been referred to this panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit.

A review of the record indicates that the district court action was based in part on 28 U.S.C. 1346. The United States Court of Appeals for the Federal Circuit has exclusive jurisdiction in an appeal taken from such an action. Oliveira v. United States, 734 F 2d 760 (11th Cir. 1984; Spagnola v. Stockman, 732 F.2d 908 (Fed. Cir. 1984).

It is ORDERED that the appeal be and hereby is transferred to the United States Court of Appeals for the Federal Circuit. 28 U.S.C. 1631.

ENTERED BY ORDER OF THE COURT

John P. Hehman
Clerk

APPENDIX A-2

No. 84-1477

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WALBER CONSTRUCTION COMPANY, Plaintiff-Appellant, v. UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Defendant-Appellee.	O R D E R FILED DEC 21 1984 John P. Hehman, Clerk

BEFORE: KENNEDY, KRUPANSKY and WELLFORD, Circuit Judges

This matter is before the Court upon consideration of Appellant's motion for reconsideration of this Court's November 16, 1984, order transferring this appeal to the United States Court of Appeals for the Federal Circuit and Appellant's application for an injunction and to stay proceedings in the district court pending appeal.

This panel having carefully re-examined the record finds that it misapprehended no questions of law or fact in its November 16, 1984, order.

It is ORDERED that the motion for reconsideration and appellant's application for injunction and to stay proceedings in the district court

pending appeal be and hereby are denied.

ENTERED BY ORDER OF THE COURT

John P. Hehman
Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO., Plaintiff, v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SAMUEL PIERCE, Secretary Defendants.	CIVIL ACTION NO. 83CV0348-DT HON: GEORGE E. WOODS

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES

For the reasons stated on the record in open court on February 2, 1984, IT IS HEREBY ORDERED that the plaintiff's motion to compel answers to interrogatories be denied. IT IS FURTHER ORDERED that the discovery cut-off is extended to June 1, 1984. Motion cut-of is now 7/1/84, a final pretrial will be held 7/17/84 at 1:00 p.m. before Judge Woods and the trial is now set for 8/1/84 at 8:30 a.m. before Judge Woods.

STEVEN W. RHODES
United States Magistrate

Entered: February 2, 1984

To: Pauline Walber, Esp.
Francis Zebot, AUSA

A TRUE COPY
STEVEN W. RHODES
United States Magistrate
By: Sara Fischer
Clerk

APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO.,	CIVIL ACTION NO
Plaintiff,	83CV0348-DT
v.	
THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SAMUEL PIERCE, Secretary	HON: GEORGE E. WOODS
Defendants.	

ORDER DENYING PLAINTIFF' MOTION TO COMPEL GOVERNMENT'S ANSWER TO INTERROGATORIES BY PLAINTIFF AND EXTEND CLOSING DATE FOR DISCOVERY ACTIVITIES, MOTION FOR ORDER DENYING PLAINTIFF'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES TO BE MORE EXPLICIT, AND RESPONSE TO GOVERNMENT'S OBJECTION TO FILING ANSWERS TO INTERROGATORIES DIRECTED TO JAMES SULLIVAN

Now before the Court is the plaintiff's motion to compel government's answers to interrogatories by plaintiff and extend closing date for discovery activities ("motion to compel"), motion for order denying plaintiff's motion to compel answers to interrogatories to be more explicit ("motion for order") and response to government's objection to filing answers to interrogatories directed to James Sullivan ("response").

The motion to compel seeks answers to interrogatories from James Sullivan, Robert Brown and Don

nyder. As to Sullivan, the motion essentially re-
rgues the same issues which were set forth in the
laintiff's motion to compel answers to interroga-
tories, which was denied on February 2, 1984. The
notion must also be denied as to Snyder because he
s not a party to this action and interrogatories
ay be served only upon parties to an action. Fe-
deral Rule of Civil Procedure 33(a). As to Brown,
the plaintiff seeks more specific answers to inter-
rogatories because his answers are evasive and un-
truthful. The plaintiff's belief in Brown's un-
truthfulness does not provide a basis for compelling
answers to interrogatories. Rule 37(a)(2). Further,
on February 2, 1984, the Court extended the disco-
very cut-off date in this action.

The motion for order is construed as a motion
for reconsideration of the Court's order of February
, 1984. Because the plaintiff has failed to show
palpable defect in that order pursuant to Local
ourt Rule 17(k), this motion must be denied.

The response essentially reargues those issues
hich were raised in the Court's order dated February
, 1984. These contentions were addressed in that
rder.

IT IS HEREBY ORDERED that the plaintiff's motion to compel government's answers to interrogatories by plaintiff and extend closing date for discovery activities, motion for order denying plaintiff's motion to compel answers to interrogatories to be more explicit, and response to government's objection to filing answers to interrogatories directed to James Sullivan are denied.

STEVEN W. RHODES
United States Magistrate

Entered: March 5, 1984

To: Pauline Walber
Francis Zebot, AUSA

A TRUE COPY
STEVEN W. RHODES
United States Magistrate

By: Clerk

APPENDIX D-3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO., Plaintiff, v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SAMUEL PIERCE, Secretary Defendants.	CIVIL ACTION NO. 83CV0348-DT HON. GEORGE E. WOODS

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL THE GOVERNMENT TO ANSWER REVISED INTERROGATORIES DIRECTED TO DON SNYDER BASED ON EVASIVE ANSWERS TO PREVIOUS INTERROGATORIES

The plaintiff filed a second set of interrogatories to Don Snyder and a motion to compel the Government to answer revised interrogatories directed to Don Snyder based on evasive answers to previous interrogatories on March 20, 1984. The motion asks the Court to order Snyder to answer the interrogatories filed on the same date.

Because Federal Rule of Civil Procedure 33(a) allows a thirty day period within which answers to interrogatories may be filed, and because thirty days have not passed since the interrogatories were filed, IT IS HEREBY ORDERED that the plaintiff's motion to compel the Government to answer revised

interrogatories directed to Don Snyder based on evasive answers to previous interrogatories is denied.

STEVEN W. RHODES
United States Magistrate

Entered: April 6, 1984

To: Pauline Walber
Francis Zebot, AUSA

A TRUE COPY
STEVEN W. RHODES
United States Magistrate

By: Behringer
Clerk

APPENDIX E-2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO., Plaintiff, v. UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al., Defendants.	CIVIL ACTION NO. 83CV0348-DT HON: GEORGE E. WOODS

ORDER DENYING PLAINTIFF'S MOTION FOR ORDER COMPELLING DISCOVERY BY INSPECTION AND COPYING OF DESIGNATED RECORDS

This matter is before the Court on the plaintiff's motion for order compelling discovery by inspection and copying of designated records. This motion follows several previous motions in which the defendants stated that they do not have possession of seven "chrono files" of chronological records of terminated contracts between the parties to this cause because the files are terminated three years after closing for disposition of the property from the defendants' inventory.

This motion essentially reargues the plaintiff's previously denied motions to compel production of these documents, and also contends that the defendants' answers to interrogatories makes reference

to certain facts contained in the documents. Because the defendants cannot be ordered to produce documents which are not within their possession and which do not exist, the plaintiff's motion must be denied. Accordingly,

IT IS ORDERED that the plaintiff's motion for order compelling discovery by inspection and copying of designated records is denied.

STEVEN W. RHODES
United States Magistrate

Entered: April 27, 1984

To: Pauline Walber
Francis Zebot, AUSA

A TRUE COPY
STEVEN W. RHODES
United States Magistrate

By: Sara Fischer
Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, vs. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SAMUEL PIERCE, Secretary, Defendant.	)	NO. 84-CV-0348-DT

ORDER DENYING PLAINTIFF'S MOTION TO STAY PROCEEDINGS PENDING APPEAL

AT A SESSION of said Court held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 15th day of November, 1984.

PRESENT: THE HONORABLE GEORGE E. WOODS
United States District Judge

This matter having come before the Court on plaintiff's Motion to Stay Proceedings Pending Appeal;

The Court having reviewed the pleadings submitted herein and being otherwise fully informed in the premises;

IT IS ORDERED that plaintiff's motion be and the same is hereby DENIED, it appearing to the Court that, since plaintiff's appeal involves interlocutory and nonappealable orders, no stay of proceedings is required. In reaching this conclusion,

the Court repeats defendant's suggestion that plaintiff may test this Court's authority to proceed in this case by seeking a writ of prohibition. See, e.g., Cochran v. Birchel, 651 F.2d 1219, 1222 (6th Cir. 1981), cert. denied 454 U.S. 1152 (1982). Absent such a writ, this Court sees no reason to stay the proceedings.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

A TRUE COPY

By: Roseann Henson
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, vs. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SAMUEL PIERCE, SECRETARY, Defendants.	)	NO. 83-CV-0348-DT

ORDER DENYING PLAINTIFF'S MOTION
FOR CONTINUANCE OF STAY OF PROCEEDINGS
PENDING APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

AT A SESSION of said Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 1st day of February, 1985.

PRESENT: THE HONORABLE GEORGE E. WOODS
United States District Judge

This matter having come before the Court on plaintiff's Motion for Continuance of Stay of Proceedings Pending Appeal to the Supreme Court of the United States;

The Court having reviewed the pleadings submitted herein, being otherwise fully informed in the premises, and having concluded pursuant to Local Rule 17(j) that no oral hearing is necessary;

IT IS ORDERED that plaintiff's motion be and the same is hereby DENIED, the Court agreeing with

defendant's assertion that this motion presents the same issues which were considered and rejected by the Court on November 15, 1984 in denying plaintiff's Motion to Stay Proceedings Pending Appeal.

So ordered.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

A TRUE COPY

By: Roseann Henson
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, vs. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SAMUEL PIERCE, Secretary, Defendant.	)	CIVIL ACTION NO. 83-CV-0348-DT

ORDER AFFIRMING MAGISTRATE'S ORDERS CONCERNING DISCOVERY

AT A SESSION of said Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 9th day of April, 1984.

PRESENT: THE HONORABLE GEORGE E. WOODS
United States District Judge

This matter having come before the Court on plaintiff's objections to the Magistrate's orders of February 2, 1984 and March 5, 1984;

The Court having reviewed the pleadings submitted herein and being otherwise fully informed in the premises;

IT IS ORDERED that the Magistrate's orders be and the same are hereby AFFIRMED. To the extent that plaintiff's objections attack the Magistrate's order of February 2, 1984, they are untimely. As

to the Magistrate's order of March 5, 1984, the Court concludes that the Magistrate's order was neither clearly erroneous nor contrary to law.

So ordered.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

A TRUE COPY

By: Roseann Henson
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, vs. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SAMUEL PIERCE, Secretary, Defendants.	CIVIL ACTION NO. 83-CV-0348-DT

ORDER (1) DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND (2) AMENDING SCHEDULING ORDER

AT A SESSION of said Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 20th day of June, 1984.

PRESENT: THE HONORABLE GEORGE E. WOODS
United States District Judge

This matter having come before the Court on plaintiff's Motion for Reconsideration of Order Affirming Magistrate's Orders Concerning Discovery;

The Court having reviewed the pleadings submitted herein, being otherwise fully informed in the premises, and having concluded pursuant to Local Rules 17(j) and 17(k)(2) that no oral argument is required;

IT IS ORDERED that plaintiff's motion be and same is hereby DENIED, the Court concluding pursuant

to Local Rule 17(k)(3) that plaintiff has failed to demonstrate a palpable defect by which the Court and parties have been misled, the correction of which would necessitate reversing the Magistrate's discovery orders.[1/]

The Court notes plaintiff's concern that it cannot be ready for trial "due to the Government's failure to cooperate with Discovery," and also notes defendants' response that they do not object to plaintiff's seeking additional extension of discovery deadlines and other dates in this matter. Accordingly, IT IS FURTHER ORDERED that the following schedule shall control the disposition of this case:

Discovery cut-off date:	August 15, 1984
Motion cut-off date:	September 15, 1984
Final pretrial conference:	October 9, 1984 at 1:00 p.m.
Trial date:	October 29, 1984 at 8:30 a.m.

So ordered.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

A TRUE COPY

By: Roseann Henson
Deputy Clerk

1/ Plaintiff's motion does indicate that it filed

a "Motion for Order Denuing Plaintiff's Motion to Compel Answers to Interrogatories to be More Explicit," which was intended to serve as objections to the Magistrate's order of February 2, 1984. Due to the unique caption of these objections, however, they were not recognized as such in this Court's Order of April 9, 1984, which noted that plaintiff had not filed timely objections to the Magistrate's order of February 2, 1984. Assuming this to be a palpable defect within the ambit of Local Rule 17 (k)(3), plaintiff's motion for reconsideration still fails because a review of those objections does not convince the Court that reversal of the Magistrate's order is required.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WALBER CONSTRUCTION CO., Appellant, vs. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SAMUEL PIERCE, Secretary Appellee.	)	Case No. 84-1477 District Court No. 83-0348

NOTICE OF APPEAL

Notice is hereby given that Pauline Walber D/B/A Walber Construction Co., above named, hereby Appeals to the Supreme Court of the United States from the Order, considering this action to be based in part on 28 U.S.C. 1346, thereby, transferring same to the U. S. Court of Appeals for the Federal Circuit, entered in the U.S. Court of Appeals for the Sixth Circuit, pursuant to Rule 9(a) of said Court, on the 16th day of November, 1984, and;

From the Order Denying Appellant's Motion for Reconsideration, and Denying Appellant's Application for Injunction and to Stay Proceedings in the District Court, pending Appeal, entered the 21st day of December, 1984.

The statutes under which this Appeal is taken

to the Supreme Court of the United States are;

28 U.S.C. 2106 and 28 U.S.C. 1253.

Dated: January 2, 1985

By: Pauline Walber D/B/A
Walber Construction Co.
Appellant,
3530 West Outer Drive
Detroit, Michigan 48221
Phone: 313-864-6076 or
313-537-7800

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO. Plaintiff(s), v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1) (A)) of motion TO COMPEL GOVERNMENT'S ANSWER TO INTERROGATORIES BY PLTF.

____ Report and recommendation (28 U.S.C. Section 636(b)(1)(b) on motion

____ Conduct the following pre-trial proceedings

____ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

____ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: January 16, 1984

TO: Pauline Walber
Francis L. Zebot, AUSA
Magistrate Rhodes

APPENDIX L

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Walber Construction,

Plaintiff,

vs.

U.S. Department of H.U.D. et al.,

Defendant.

Case No. 83-0348

Hon. George E. Woods
UNITED STATES
DISTRICT JUDGE

ORDER REQUIRING RESPONSE AND SCHEDULING HEARING

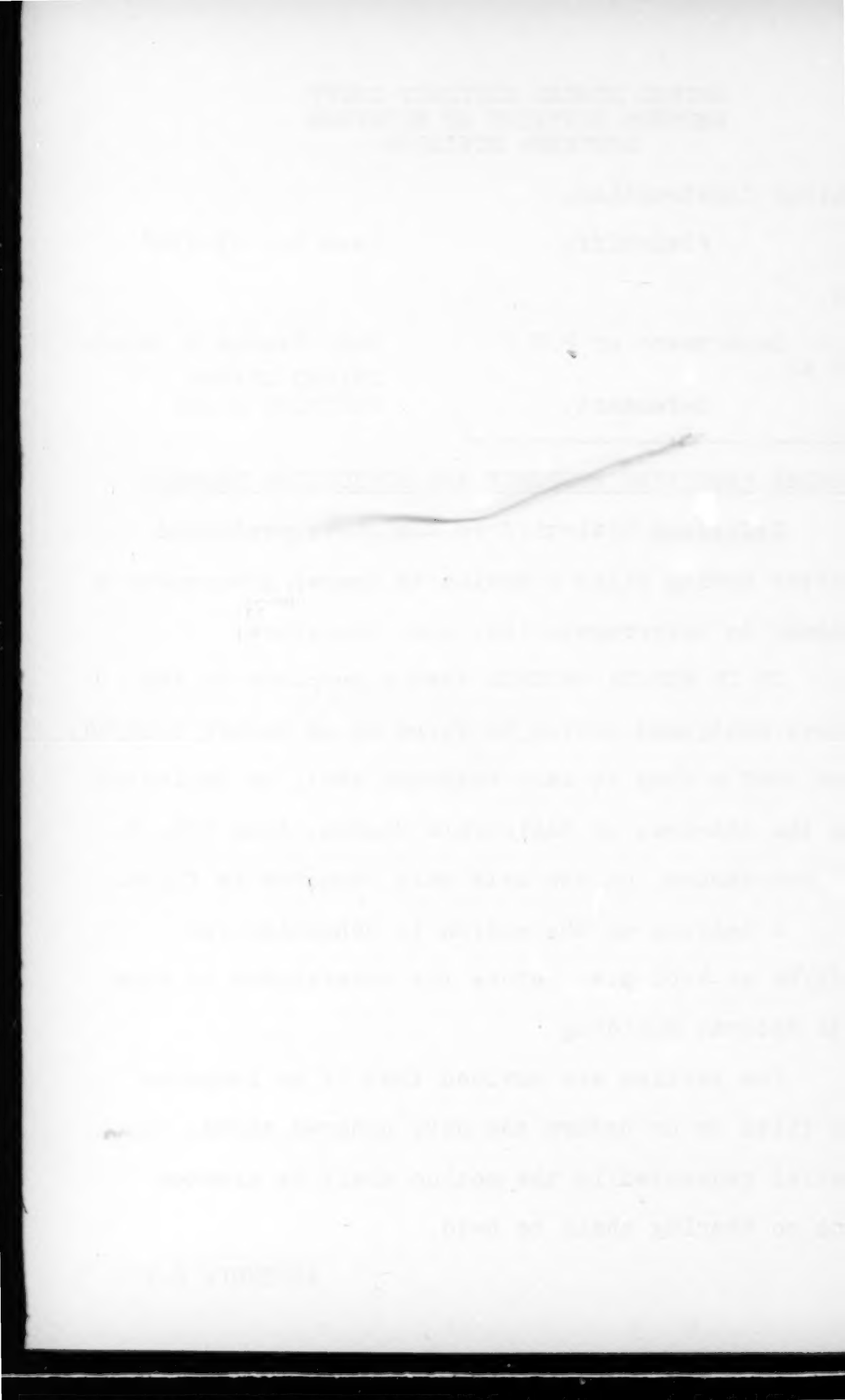
~~Defendant~~/plaintiff in the above captioned matter having filed a motion to compel government's answer to interrogatories, now, therefore;

IT IS HEREBY ORDERED that a response to the above mentioned motion be filed on or before 1/20/84; and that a copy of said response shall be delivered to the chambers of Magistrate Rhodes, Room 238, U. S. Courthouse, on the date said response is filed.

A hearing on the motion is scheduled for 2/2/84 at 4:00 p.m. before the undersigned in Room 236 Federal Building.

The parties are advised that if no response is filed on or before the date ordered above, the relief requested in the motion shall be granted and no hearing shall be held.

APPENDIX M-1



To: Pauline Walber
Francis L. Zebot, AUSA
Hon. George E. Woods

STEVEN W. RHODES
UNITED STATES MAGISTRATE

A TRUE COPY
STEVEN W. RHODES
United States Magistrate

By: _____
Clerk

APPENDIX M-2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO. Plaintiff(s), v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1)(A)) of motion Pltfs Motion to comple Government's answer to interrogs. and extend closing date for discovery.

____ Report and recommendation (28 U.S.C. Section 636(b)(1)(b) on motion

____ Conduct the following pre-trial proceedings

____ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

____ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

Dated: February 3, 1984

TO: Pauline Walber
Francis L. Zebot

APPENDIX N

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALBER CONSTRUCTION CO. Plaintiff(s), . HE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1)(A) of motion FOR ORDER DENYING PLAINTIFF'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES TO BE MORE EXPLICIT. #55

___ Report and recommendation (28 U.S.C. Section 636(b)(1)(b) on motion

___ Conduct the following pre-trial proceedings

___ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

___ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: 2-21-84

TO: Pauline Walber
Francis L. Zebot, AUSA
Magistrate Rhodes

APPENDIX O

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO. Plaintiff(s) v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1)(A) of motion to compel the government to answer revised interrogs. directed to Don Snyder based on evasive answers to previous interrogs. (#60)

___ Report and recommendation (28 U.S.C. Section 636 (b)(1)(b) on motion

___ Conduct the following pre-trial proceedings

___ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

___ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: March 28, 1984

TO: Pauline Walber
Francis L. Zebot, AUSA
Magistrate Rhodes

APPENDIX P

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO. Plaintiff(s), v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1)(A) of motion FOR ORDER COMPELLING DISCOVERY BY INSPECTION AND COPY OF DESIGNATED RECORDS, by pltf. #63.

___ Report and recommendation (28 U.S.C. Section 636(b)(1)(b) on motion

___ Conduct the following pre-trial proceedings

___ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

___ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: April 17, 1984

TO: Pauline Walber
Francis L. Zebot, AUSA
Magistrate Rhodes

APPENDIX Q

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION CO. Plaintiff(s), v. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al Defendant(s).	CASE NO. 83-0348 GEORGE E. WOODS UNITED STATES DISTRICT JUDGE

ORDER OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS ORDERED that this matter is referred to United States Magistrate Steven Rhodes for the following purposes:

xxx Hearing and determination (28 U.S.C. Section 636(b)(1)(A) of motion for reconsideration on order affirming Magistrate's Orders concerning discovery by pltf.

___ Report and recommendation (28 U.S.C. Section 636(b)(1)(b) on motion

___ Conduct the following pre-trial proceedings

___ To serve as Special Master Pursuant to Rule 53, Federal Rules of Civil Procedure, and make report and findings concerning

___ Other _____

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: April 23, 1984

TO: Pauline Walber
Francis L. Zebot, AUSA

APPENDIX R

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, v THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT et al, Defendant,	CIVIL ACTION NO. 83-0348

ORDER FOR SUBMISSION AND DETERMINATION OF MOTION WITHOUT ORAL HEARING

A Motion TO STAY PROCEEDINGS PENDING APPEAL has been filed by Plaintiff in the above entitled cause.

Pursuant to Rule 17j of the Local Rules of the United States District Court for the Eastern District of Michigan, IT IS HEREBY ORDERED that there will be no oral hearing on this motion. A response, including a written brief, may be filed no later than November 9, 1984.

Inquiries should be directed to Nat Abbate Law Clerk, at 226-2406.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

Dated: October 30, 1984

TO: Pauline Walber
Frank Zebot, Esq.

APPENDIX S

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, v. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al, Defendants.	CIVIL NO. 83-0348

ORDER RESCINDING ORDER
OF REFERENCE TO UNITED STATES MAGISTRATE

IT IS HEREBY ORDERED that the Order of Reference to United States Magistrate Steven Rhodes for Hearing and Determination of Motion for Reconsideration on Order Affirming Magistrate's Order Concerning Discovery by Plaintiff, dated April 23, 1984, is RESCINDED.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

DATED: May 2, 1984

TO: Pauline Walber
Francis L. Zebot, AUSA

A TRUE COPY

By: Roseann Henson
DEPUTY CLERK

APPENDIX T

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALBER CONSTRUCTION COMPANY, Plaintiff, V. THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT et al. Defendants.	CIVIL ACTION NO. 83-0348

REQUEST FOR RESPONSE AND NOTICE OF HEARING

A motion FOR RECONSIDERATION ON ORDER AFFIRMING MAGISTRATE'S ORDERS CONCERNING DISCOVERY, by plaintiff, has been filed by _____in the above entitled cause.

IF A TIMELY RESPONSE IS FILED, ORAL ARGUMENTS ON THE MOTION WILL BE HEARD Thursday, June 21, 1984, at 1:30 P.M., before Judge George E. Woods, 272 U. S. Court House, Detroit, Michigan

COUNSEL SHOULD BE PREPARED TO SUBMIT A PROPOSED ORDER TO THE COURT AT THIS SCHEDULED HEARING

Pursuant to Rule 17 of the Local Rules of the United States District Court for the Eastern District of Michigan, a response, including a written brief, must be filed by May 31, 1984, if not already filed.

If no response (including a brief) to a motion is timely filed, the motion may, in the Court's

discretion, be considered and decided without hearing. Unless you are otherwise notified, the Court will call the case at the scheduled time. Uncontested motions will not be denied without giving the movant an opportunity to be heard. AN UNTIMELY FILED RESPONSE AND BRIEF WILL NOT BE CONSIDERED BY THE COURT.

Inquiries should be directed to Roseann Henson, Court Clerk, 226-2407.

GEORGE E. WOODS
UNITED STATES DISTRICT JUDGE

Dated: May 14, 1984

NOTICES TO: Pauline Walber
3530 West Outer Drive
Detroit, Michigan 48221

Francis L. Zebot,
Assistant U.S. Attorney